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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,103	09/13/2000	Alex Dubrovsky	EMC00-001(00010)	7599

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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/661,103

Applicant(s)

DUBROVSKY ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Response to Amendment*

2. This office action is in response to the amendment filed on March 29, 2004 (Paper No. 4). The amendment filed on March 29, 2004 has been entered and made of record. The original application contained *claims 1-27*. In the amendment filed on March 29, 2004, the Applicants added *claims 28-35*. There are *no claims* allowed. Hence, *claims 1-35* are presented for further consideration and examination.

***Response to Argument***

3. Applicant's arguments, see pg.13, para.5, line 1 – pg.14, para.1, line 6, filed March 29, 2004, with respect to *claims 1, 12, 24 and 27* have been fully considered and are persuasive. The previous rejection has been withdrawn.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Spector (US006377988B1).
6. With regard to claims 1, 12, 24, 27 and 33, Spector reference discloses,
- *receiving a generic zone control command*; (Spector, col.4, lines 6-12; col.5, lines 14-22; Spector teaches of the translators ultimately receiving the generic instructions from the user's inputs via the generic instruction generator)
  - *translating the generic zone control command to at least one vendor specific device command of a plurality of vendor specific, device commands that respectively control zoning in a plurality of different vendor devices; and* (Spector, col.4, lines 12-16; col.5, lines 22-28; Spector teaches of the translators translating the generic instructions from the user's inputs via the generic

instruction generator into a form which can be handled by a respective switching system)

- *performing functions associated with the at least one vendor specific device command to control zoning in a device* (Spector, col.4, lines 33-38; col.6, lines 8-13; Spector teaches of the switches receiving the specific instructions, which are generated from the generic instructions by the translators and instruction generators, and suggests that the specific instructions can be executed immediately or at a predetermined time by the respective switches)

7. With regard to claims 2-4 and 13-15, Spector reference discloses,

- *identifying a vendor of at least one device within a zone corresponding to the generic zone control command; and* (Spector, col.4, lines 16-22; col.5, lines 29-50; Spector teaches of matching (identifying) and selecting the switches to which the specific instructions are to be sent)
- *selecting a set of vendor specific device commands, from the plurality of vendor specific device commands that respectively control zoning in devices from different vendors, that corresponds to the vendor of at least one device within the zone* (Spector, col.4, lines 16-22; col.5, lines 29-50; Spector teaches of matching (identifying) and selecting the switches to which the specific instructions are to be sent)
- *identifying devices within the zone that are affected by the generic zone control command; and* (Spector, col.4, lines 16-22; col.5, lines 29-50; Spector teaches of matching (identifying) and selecting the switches to which the specific instructions are to be sent base on the selection pattern or criteria)

- *identifying vendors of the devices within the zone that are affected by the generic zone control command (Spector, col.4, lines 16-22; col.5, lines 29-50; Spector teaches of matching (identifying) and selecting the switches to which the specific instructions are to be sent base on the selection pattern or criteria)*
8. With regard to claims 5-11, 16-19, 25-26, 28-32 and 34-35, Spector reference discloses,
- *the plurality of vendor specific device commands include sets of vendor specific device commands; and (Spector, col.4, lines 16-22; col.5, lines 29-50; col.10, lines 45-57; col.11, lines 23-29; Spector teaches of matching (identifying) and selecting the switches to which the specific instructions are to be sent base on the selection pattern or criteria. Furthermore, Spector teaches of the translators translating the generic instructions to specific instructions which can be handled by a respective switch by mapping the generic control to an exchange-specific control)*
  - *wherein the step of translating includes the steps of:*
    - *selecting a set of vendor specific device commands that can control zoning within a device to which the generic zone control command is directed; and (Spector, col.4, lines 12-16; col.5, lines 22-28; col.10, lines 45-57; col.11, lines 23-29; Spector teaches of the translators translating the generic instructions from the user's inputs via the generic instruction generator into a form which can be handled by a respective switching system)*
    - *dynamically loading the set of vendor specific device commands into a management application to allow the management application to control zoning within the device to which the generic zone control command is directed (Spector, col.4, lines 12-16; col.5, lines 22-28; col.10, lines 45-57;*

col.11, lines 23-29; Spector teaches of the translators translating the generic instructions from the user's inputs via the generic instruction generator into a form which can be handled by a respective switching system)

- *selecting the at least one vendor specific device command, within the set of vendor specific device commands, that performs zoning operations, in the device to which the generic zone control command is directed, in accordance with the generic zone control command; and* (Spector, col.4, lines 12-16; col.5, lines 22-28; col.10, lines 45-57; col.11, lines 23-29; Spector teaches of the translators translating the generic instructions from the user's inputs via the generic instruction generator into a form which can be handled by a respective switching system)
- *mapping parameters of the generic zone control command to parameters of the at least one vendor specific device command to provide the vendor specific device command with data required to perform the zoning operations in the device* (Spector, col.10, lines 45-57; col.11, lines 23-29; Spector teaches of the translators translating the generic instructions to specific instructions which can be handled by a respective switch by mapping the generic control to an exchange-specific control)

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure:

- Glitho et al. (US005991803A)
- Beckwith et al. (US006330598B1)

- Gonda et al. (US006662221B1)

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The Examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

*Thomas Duong (AU2143)*

*June 9, 2004*

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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